



General Assembly

February Session, 2000

Amendment

LCO No. 4436

Offered by:

REP. MATTIELLO, 65th Dist.

REP. WARD, 86th Dist.

REP. CAFERO, 142nd Dist.

REP. FLAHERTY, 68th Dist.

To: Subst. House Bill No. 5737

File No. 523

Cal. No. 416

***"An Act Concerning Underperforming Schools And
School Readiness."***

1 After line 387, insert the following and renumber the remaining
2 section accordingly:

3 "Sec. 9. Section 10-4b of the general statutes is repealed and the
4 following is substituted in lieu thereof:

5 (a) Any resident of a local or regional school district, or parent or
6 guardian of a student enrolled in the public schools of such school
7 district who has been unable to resolve a complaint with the board of
8 education of such local or regional school district may file with the
9 State Board of Education a complaint in writing, or the state board
10 may initiate a complaint, alleging the failure or inability of the board of
11 education of such local or regional school district to implement the
12 educational interests of the state in accordance with section 10-4a. If
13 the state board, or its designee, finds such complaint to be substantial,

14 it shall notify the local or regional board of such complaint and shall
15 designate an agent who shall conduct a prompt investigation in
16 accordance with procedures established by said state board and report
17 the results of such investigation to the state board. The agent of the
18 State Board of Education, in conducting an investigation, may
19 summon by subpoena any records or documents related to the
20 investigation. If the findings indicate that there is reasonable cause to
21 believe that a local or regional board of education has failed or is
22 unable to make reasonable provision to implement the educational
23 interests of the state as defined in section 10-4a or that a local
24 governmental body or its agent is responsible for such failure or
25 inability, said state board shall conduct an inquiry. The State Board of
26 Education shall give the board of education or a local governmental
27 body or its agent involved the opportunity to be heard in accordance
28 with the provisions of sections 4-176e to 4-184. Said state board may
29 summon by subpoena any person whose testimony may be pertinent
30 to the inquiry and any records or documents related to the provision of
31 public education in the school district.

32 (b) If, after conducting an inquiry in accordance with subsection (a)
33 of this section, or based on the criteria described in section 10 of this
34 act for measuring student achievement and progress, or both, the state
35 board finds that a local or regional board of education has failed or is
36 unable to [provide educational opportunities to meet the requirements
37 of this section, sections 10-4a, 10-14q, 10-15c, 10-16, 10-16b and 10-42,
38 subsection (a) of section 10-43, sections 10-47b, 10-53, 10-54, 10-66i, 10-
39 71 and 10-76d, subsection (h) of section 10-76f and sections 10-76g, 10-
40 76m, 10-76o, 10-97, 10-203, 10-220, 10-227, 10-261, 10-262j, 10-263, 10-
41 266j, 10-266m, 10-273a, 10-277 and 10-280a] implement the educational
42 interests of the state in accordance with section 10-4a, the state board
43 shall (1) require the local or regional board of education to engage in a
44 remedial process whereby such local or regional board of education
45 shall develop and implement a plan of action through which
46 compliance may be attained, [or] (2) in cases involving the failure of a
47 local or regional board of education to comply with subdivision (1) of

48 section 10-4a based on the criteria for measuring student achievement
49 and progress, place the local or regional board of education on notice,
50 require the local or regional board to develop and implement an
51 improvement plan approved by the state board and require reports on
52 such implementation, or (3) in cases in which the local or regional
53 board of education failed to comply with subdivision (4) of section 10-
54 4a, order the local or regional board of education to take reasonable
55 steps [where such local or regional board has failed to comply with
56 subdivision (3) of section 10-4a. Where] to attain such compliance. If a
57 local or regional board of education is required to implement a
58 remedial process pursuant to subdivision (1) of this subsection, or to
59 develop an improvement plan pursuant to subdivision (2) of this
60 subsection, upon request of such local or regional board, the state
61 board shall make available to such local or regional board materials
62 and advice to assist in such remedial process or with such
63 improvement plan. If the state board finds that a local governmental
64 body or its agent is responsible for such failure or inability, the state
65 board may order such governmental body or agent to take reasonable
66 steps to comply with the requirements of section 10-4a. The state board
67 may not order an increase in the regular program expenditures, as
68 defined in section 10-262f, as amended, of such local or regional board
69 of education if such expenditures are in an amount at least equal to the
70 minimum expenditure requirement in accordance with section 10-262j,
71 provided that an increase in expenditures may be ordered in
72 accordance with section 10-76d, as amended. If the state board finds
73 that the state is responsible for such failure, the state board shall so
74 notify the Governor and the General Assembly.

75 (c) Upon the failure of a local or regional board of education to
76 implement a remedial process or develop and implement an
77 improvement plan, or upon the failure of a local or regional board of
78 education or local governmental body or its agent to comply with an
79 order of the state board in accordance with subsection (b) of this
80 section, said state board may seek an order from the Superior Court to
81 compel such board of education to implement a remedial process,

82 develop and implement an improvement plan or to compel a local or
83 regional board of education or local governmental body or its agent to
84 carry out the order of the State Board of Education.

85 (d) (1) If, one year after the implementation of an improvement plan
86 pursuant to subdivision (2) of subsection (b) of this section, the
87 Commissioner of Education determines, based on criteria described in
88 section 10 of this act, that the school district did not make sufficient
89 progress, the commissioner shall recommend that the state board place
90 the school district on probation. The school district shall be placed on
91 probation upon an affirmative vote of the State Board of Education.
92 The Commissioner of Education shall establish procedures for the
93 parents of students in such district to meet with the commissioner or
94 the commissioner's representative to discuss their concerns. The
95 commissioner shall appoint an external review team whose members
96 are qualified by training, experience and knowledge to examine the
97 conditions in the district. In conjunction with the Department of
98 Education, the review team shall examine all aspects of the district's
99 operations including, but not limited to, education, governance,
100 management and finance. The review team shall also examine factors
101 external to the district's schools which may contribute to low student
102 achievement and may recommend measures to mitigate the effects of
103 such external factors in the schools. The external review team, in
104 conducting its examination, may summon by subpoena any
105 documents or records relating to the examination. The review team
106 shall report its findings and recommendations to the State Board of
107 Education. The state board shall give the local or regional board of
108 education a copy of the report and provide an opportunity for the local
109 or regional board of education to be heard, in accordance with sections
110 4-176e to 4-184, inclusive. The State Board of Education may summon
111 by subpoena any person whose testimony may be pertinent and any
112 records or documents related to the provision of public education in
113 the district. The Department of Education shall develop an
114 improvement plan for the school district based on the hearing and
115 such report. The plan may include the waiver of sections of the general

116 statutes or regulations within the jurisdiction of the State Board of
117 Education. The commissioner shall determine the cost to the school
118 district of implementation of those aspects of the plan directly related
119 to student achievement. In making such fiscal assessment, the
120 commissioner shall identify aspects of the plan that are contained in
121 the district's budget. Notwithstanding any provision of the general
122 statutes, the commissioner may reallocate funds within the district's
123 budget to support the plan and once reallocated, any transfer among
124 line items of the district's budget may occur only with the
125 commissioner's approval. If the cost of implementation of the plan
126 exceeds the original budget of the district, the state shall provide aid to
127 the district to cover such cost as determined by the commissioner. All
128 costs associated with the activities of the external review team
129 pursuant to this subdivision shall be paid by the Department of
130 Education. The Department of Education shall monitor the
131 implementation of the plan.

132 (2) If, after a reasonable period of time as determined by the
133 Commissioner of Education, the commissioner determines that a
134 school district on probation did not make sufficient progress, the
135 commissioner shall recommend to the State Board of Education that
136 the state board declare the school district to be in a state of crisis and
137 petition the General Assembly to (A) dissolve the local or regional
138 board of education, and (B) provide for state take-over of the school
139 district and appointment of an oversight board to reorganize and
140 manage the school district. Prior to making such a declaration and
141 petitioning the General Assembly, the State Board of Education shall
142 provide an opportunity pursuant to chapter 54 for the local or regional
143 board of education to show cause why such actions should not be
144 taken.

145 [(d)] (e) The state board shall pursuant to the provisions of chapter
146 54 adopt regulations concerning procedures for purposes of this
147 section.

148 Sec. 10. (NEW) The State Board of Education shall use the following

149 factors to measure student achievement and progress in a school
150 district: (1) Performance on state-wide mastery examinations pursuant
151 to section 10-14n of the general statutes, including a comparison of
152 results in each year with results in prior years; (2) performance on the
153 Scholastic Aptitude Test, including a comparison of results in each
154 year with results for prior years; (3) the percentage of students who
155 meet National Assessment of Educational Progress Performance
156 standards in reading, mathematics and science, including a
157 comparison of the percentage for each year with percentages in prior
158 years; (4) the percentage of students who meet benchmarks of
159 performance on national and international assessments, including a
160 comparison of such percentage in each year with percentages for prior
161 years; (5) the percentage of high school graduates continuing their
162 education at two and four year colleges and universities, including a
163 comparison of such percentage in each year with percentages for prior
164 years; (6) the percentage of school dropouts and whether such
165 percentage is an increase or a decrease from the prior year; and (7) the
166 percentage of students meeting all the national physical and health
167 fitness standards and whether such percentage is an increase or
168 decrease from the percentage for the prior year.

169 Sec. 11. (NEW) (a) If the state takes over a local or regional school
170 district pursuant to a petition to the General Assembly by the State
171 Board of Education under section 10-4b of the general statutes, as
172 amended by this act, the oversight board appointed for the school
173 district shall exercise all the powers and duties of a local or regional
174 board of education under any provision of the general statutes, public
175 or special act or regulations under the jurisdiction of the State Board of
176 Education. The oversight board: (1) Shall be responsible for all aspects
177 of school district governance, management and fiscal operations,
178 including development of the annual budget of the school district; (2)
179 shall be responsible for negotiating and entering into contracts for
180 services or supplies on behalf of the school district, including collective
181 bargaining agreements; (3) may request the Commissioner of
182 Education to waive any provision of the general statutes or any

183 regulations under the jurisdiction of the State Board of Education that
184 the oversight board determines may assist in improving student
185 achievement in the district and the commissioner may waive any such
186 provision; (4) may make, amend or repeal any district rules, policies or
187 guidelines, not inconsistent with law for the proper conduct,
188 maintenance and supervision of the schools of the district; (5) may
189 close or reconstitute any school in the district and reassign students; (6)
190 shall report to the State Board of Education at the beginning of each
191 school year on its performance, reforms and improvements in student
192 achievement; (7) shall recommend to the State Board of Education a
193 return of the school district to local control when the oversight board
194 determines that student achievement is at an appropriate level; (8) may
195 appoint a superintendent of schools to serve, at the pleasure of the
196 oversight board, for the duration of its management of the school
197 district, or, if such a superintendent is not appointed, the oversight
198 board shall function as the superintendent for purposes of any power
199 or duty given the superintendent of schools under any provision of the
200 general statutes, public or special act or regulation; (9) shall provide in
201 each school in the district a mechanism for parent, teacher and
202 community involvement; and (10) shall ensure that the district is in
203 compliance with all federal and state laws and regulations relating to
204 equal employment opportunities, affirmative action and minority
205 business opportunities.

206 (b) Any collective bargaining agreement entered into by the local or
207 regional board of education prior to the date of the state take-over of
208 the school district shall remain in force under the oversight board until
209 the expiration of the agreement.

210 (c) Upon the recommendation of the oversight board and the
211 finding by the Commissioner of Education that the school district
212 made substantial progress in the area of student achievement, the
213 commissioner shall recommend to the State Board of Education that
214 the school district return to local control. The State Board of Education
215 shall approve or reject such recommendation and shall report its
216 decision to the General Assembly.

217 (d) The compensation of the members of the oversight board, other
218 than any members who are state employees or chief elected officials,
219 shall be paid by the school district."